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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,516	02/04/2002	Mark A. Handschy	50041-00014	8464
27313	7590	12/22/2003		
MARSH FISCHMANN & BREYFOGLE, LLP 3151 S. VAUGHN WAY SUITE 411 AURORA, CO 80014				
			EXAMINER THOMPSON, TIMOTHY J	
			ART UNIT 2873	PAPER NUMBER

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/067,516	Applicant(s) HANDSCHY ET AL.	
	Examiner Timothy J Thompson	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-22 and 36-38 is/are allowed.
- 6) ☒ Claim(s) 23-25, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 26-28 and 31-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 23, 24, 29, 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al.(U.S. Patent No. 5,467,146).

Regarding claim 23, Huang et al. discloses a microdisplay(fig 2, 30) that lies substantially in a plane(the plane running vertically across the page between the element 30 and the light source 16 of fig 2); a source of light(fig 2, 16) located proximate to the plane(fig 2 and the plane as indicated previously), the source being oriented to direct light up and away from the plane(fig 2 and the plane as indicated previously); and an optical element(fig 2, 21) located above the support

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plane in position to direct the light from the source of light toward the microdisplay, the optical element being substantially further away from the microdisplay than is the source of light(fig 2).

Regarding claim 24, Huang et al. discloses the optical element includes a reflector(fig 2, 21).

Regarding claim 29, Huang et al. discloses the microdisplay is a reflective microdisplay.(fig 3).

Regarding claim 30, Huang et al. discloses a microdisplay(fig 2, 30) that lies substantially in a plane(the plane running vertically across the page between the element 30 and the light source 16 of fig 2);a source of light(fig 2, 16) located proximate to the plane(fig 2), the source being oriented to direct light up and away from the plane(fig 2 and the plane as indicated previously)and:an optical element located above the plane in position to direct the light from the source of light toward the microdisplay(fig 2, 21), the optical element being substantially further away from the microdisplay than is the source of light(fig 2), the optical element including a reflector(fig 2, 21); and optical elements positioned in a light path above the microdisplay(fig 2, 29), wherein the microdisplay is a reflective microdisplay(fig 3), wherein the optical elements are receptive of light reflected from the microdisplay, the optical elements directing the reflected light for viewing, and further wherein the reflector is positioned in the light path between the microdisplay and the optical elements(fig 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al.(U.S. Patent No. 5,467,146) as applied to claim 24 above, and further in view of Aho et al.(U.S. Patent No. 4,874,228).

Regarding claim 25, Huang et al. does not specifically disclose the reflector is curved. However, Aho et al. discloses using a curved reflector(fig 7, 90) stating this provides for a uniform intensity reflected light(col 5, lines 25-30).

Allowable Subject Matter

Claims 26-28, 31-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10-22 and 36-38 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art taken either singularity or in combination fails to anticipate or fairly suggest the limitations of the independent claim, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 10, 15, 30, 36-38, with the allowable features being; the source of light located proximate to the support surface with the reflector spaced apart from the support surface; the source of light located within a distance of the microdisplay, the distance being less than the lateral extent of the generated image onm the micro display; or the source of light located proximate to the micro display with the source of light closer to the microdisplay than the reflector. Therefore claims 10-22 and 36-38 are allowed.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (703) 305-0881. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (703) 308-4883.

T.J.T.

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A handwritten signature in black ink, appearing to read "Georgia Epps". The signature is fluid and cursive, with the first name "Georgia" and last name "Epps" clearly distinguishable.

Georgia Epps
Supervisory Patent Examiner
Technology Center 2800